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THE HONORABLE CAROL FUKUNAGA, CHAIR
SENATE COMMITTEE ON ECONOMIC
DEVELOPMENT AND TECHNOLOGY
Twenty-sixth State Legislature
Regular Session of 2012
State of Hawai`i

February 8, 2012

RE: S.B. 2066; RELATING TO UNAUTHORIZED COMPUTER ACCESS.

Chair Fukunaga, Vice-Chair Wakai and members of the Senate Committee on Economic Development and Technology, the Department of the Prosecuting Attorney, City and County of Honolulu, submits the following testimony in support of Senate Bill 2066.

The purpose of S.B. 2066 is to increase the penalties for unauthorized computer access, and raise the monetary threshold for Unauthorized Computer Access in the First Degree when that charge is based solely on the value of information obtained.

All of us are familiar with the widespread and far-reaching effects that unauthorized computer access can have our society. In 2010, a computer security breach of the University of Hawaii parking garage system affected more than 53,000 people, potentially exposing approximately 41,000 social security numbers and 200 credit card numbers to misuse. Across the country, even larger organizations, such as Sony Playstation Group, Citigroup, the United States Senate, the C.I.A. website, and the Arizona State government, have found themselves similarly compromised.

As society becomes increasingly reliant on the Internet for the storage and transfer of our most valuable and confidential information, it becomes increasingly tempting for would-be "hackers" to access our computer networks and information systems without authorization. Moreover, growing Internet connectivity and the proliferation of mobile devices such as tablets and smartphones--combined with the modern ease of creating or obtaining malware--make it possible for practically anyone, anywhere, to engage in online criminal activity at anytime.

We also know that organized criminal groups are increasingly turning to the Internet to commit crimes. They have figured out that the Internet provides anonymity, making it difficult for law enforcement to trace or attribute activity to a particular suspect; they also know that there are a lot of rich targets on the Internet.

Stricter penalties for unauthorized computer access will not only present a stronger deterrent for unauthorized computer access, but also emphasize to the public and would-be offenders that these types of activities simply will not be tolerated.

For all of the reasons noted above, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly supports S.B. 2066. Thank for you the opportunity to testify on this matter.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented to the
Senate Committee on Economic Development and Technology
Wednesday, February 8, 2012 at 2:15pm
by
M.R.C. Greenwood
President, University of Hawai'i System

SB 2066 – Relating to Unauthorized Computer Access

Chair Fukunuga, Vice-Chair Wakai and Members of the Committee:

Thank you for this opportunity to offer testimony on SB2066.

The University's testimony is not about the specific language in this bill as currently written, but rather, a request that your committee, and the Legislature as a whole, consider incorporating language that provides a real and significant deterrence for the fraudulent use of Internet domain names.

As you have likely heard, the University of Hawai'i and the public are being victimized by a person or persons unknown who have acquired a "universityofhawaii" domain name and are using it in a manner that is purposefully intended to besmirch the University of Hawai'i and mislead the public for their personal private gain.

While we are preparing our options for civil action under Federal and/or State law, we believe that individuals who willfully and purposely attempt to profit through misleading the public by misrepresenting governmental organizations should also be held accountable as the wrongdoers they are.

The University of Hawai'i has not developed specific language for this. One approach might be to update Hawaii's decade-old statutes on "cybersquatting" (HRS §481B-21 to 25) to include the fraudulent use of domain names, such as the kind of malicious misrepresentation we are now seeing.

But we would welcome any approach the Legislature deems appropriate to better protect the public and the reputation of governmental entities from this malicious and self-serving behavior. We would be pleased to work with the committee or law enforcement experts to provide further input and information on our situation, in hopes this kind of behavior can be stopped before others are similarly victimized.

Thank you for this opportunity to provide testimony.